

**AMENDMENTS TO THE SPECIFICATION:**

Please replace the Abstract beginning on page 40, line 2 with the following rewritten Abstract:

a' --A data packet multi-access communicating method and a receiving and transmitting and receiving apparatus therefor comprising: receiving a transmission demand from each of a plurality of mobile stations at a base station; determining a maximum transmission rate for each mobile station by taking account of radio wave propagation condition under which each mobile station is presently situated, a data size associated with each transmission demand, a transmission error ratio and a priority order of each mobile station at the base station; and notifying each mobile station of the maximum transmission rate determined at the base station of the present invention comprise ~~maximum rate controlling means on a mobile station side, and comprise means for extracting maximum rate control setting information out of control signals received from a base station, and the maximum rate setting information is determined by taking account of transmission condition, a demanded transmission rate and so forth of each mobile station when a base station side grasps propagation situation in which each mobile station is placed, and coding means capable of variably controlling a transmission rate in accordance with maximum rate control, and data bus switching means is for controlling the input are provided, and means for inserting a continuous data content into an information header section of a transmission signal on the mobile station side is provided for demanding the continuous data content to the base station side, in case of sending a continuous data. Means for determining transmission power corresponding to a maximum rate and setting it in a modulation device is provided.--~~